

**REMARKS**

**INTRODUCTION:**

In accordance with the foregoing, claims 38-40, 42-44, 48-59, 95, 96, 99-101, 104-112, 117, 118, 121-123, and 127-136 have been cancelled without prejudice or disclaimer, claim 142 has been amended, and claims 149-155 have been added.

Claims 142 and 149-155 are pending and under consideration. Reconsideration is requested.

**REJECTION UNDER 35 U.S.C. §102:**

In the Office Action at page 2, the Examiner rejects claim 95 under 35 U.S.C. §102(e) in view of Mine (U.S. Patent No. 5,966,358). This rejection is respectfully traversed and reconsideration is requested.

As a point of clarification, claim 95 has been cancelled without prejudice or disclaimer. Therefore, it is respectfully submitted that the rejection of claim 95 is deemed moot.

**REJECTION UNDER 35 U.S.C. §103:**

In the Office Action at pages 3-7, the Examiner rejects claims 38, 39, 42-44, 56, 95, 96, 99-101, 117, 118, 121-123, 134, and 136 under 35 U.S.C. §103 in view of in view of Yasui (U.S. Patent No. 5,999,505) and Gotoh et al. (U.S. Patent No. 6,292,625). The rejection is respectfully traversed and reconsideration is requested.

As a point of clarification, claims 38, 39, 42-44, 56, 95, 96, 99-101, 117, 118, 121-123, 134, and 136 have been cancelled without prejudice or disclaimer. As such, it is respectfully submitted that the rejection is deemed moot.

In the Office Action at pages 7-8, the Examiner rejects claim 142 under 35 U.S.C. §103 in view of Yasui and Mine. The rejection is respectfully traversed and reconsideration is requested.

On page 7 of the Office Action, the Examiner again asserts that col. 8, lines 5-15, of Yasui discloses storing real time recording and/or reproducing information in a field type field in an ICB TAG field of a file entry. As a point of clarification, Yasui suggests including a Real Time Flag in a segmentation allocation table 800 of a User Table of Contents (UTOC) for use with a magneto optical disc 804. (Col. 7, lines 69-67 and col. 8, lines 5-15 of Yasui). There is no suggestion that the segmentation allocation table 800 is compliant with the UDF system, which defines the ICB TAG field. As such, it is respectfully submitted that Yasui does not suggest a location in which the Real Time Flag is stored which corresponds to the recited location in claim 142.

In addition, even assuming arguendo that Mine suggests a UDF system having a file entry for storing management information as asserted by the Examiner on page 7 of the Office Action, Mine does not suggest which field should be used for storing real time information. As also previously shown in the Amendment filed July 10, 2003, the UDF system includes multiple fields that can include management information. There is no suggestion in either Yasui or Mine that an ICB TAG field should be used, and the Examiner has not provided evidence that such a suggestion exists in the prior art to cure the deficiency of the combination as set forth in the Amendment filed July 10, 2003.

Moreover, it is again noted that the UDF system in effect at the time of Mine was UDF Specification, Rev. 2.0, which did not suggest using real time information in the manner recited in claim 142. It was only subsequent to the filing of the instant application that UDF Specification, Rev. 2.01, was established which even suggests using real time files in the UDF system. Prior to version 2.01, the UDF system was not compatible with the use of real time files since previous UDF systems required verifying data integrity after writing to the disc. However, while appropriate for non-real time files, this type of verification is not necessary or usable in relation to real time recording and reproduction.

Even assuming arguendo that a Real Time Flag suggested by Yasui was stored in the

ICB TAG field existing prior to the time of the instant invention and as also noted in the Amendment of July 10, 2003, the versions of the UDF systems then in effect would not recognize the new real time information recited in claim 142. As such, the UDF system suggested in Mine would deny access to the real time file since the UDF system of Mine would lack the capacity to recognize that the file is a real time file, or how the file should be handled without requiring verification of the file. The Examiner has not addressed these issues and evidence which were raised in the in the Amendment filed July 10, 2003 and that teach away from the combination as being disclosed and suggested in the prior art, such that these issues and evidence remain unrebutted and unaccounted for.

Further, and as also noted in the Amendment filed July 10, 2003, the file type field of the ICB TAG was found to have advantages in guaranteeing real time access to a file in the UDF system such that the use of the file type field does not represent a mere design choice. Specifically, other fields in the UDF system and the ICB TAG were not found to be suitable for real time recording and reproduction as these fields could allow for a break down in the real-time file condition. That one of ordinary skill in the art considered the field-type field of the ICB Tag to be a superior storage location for the real-time information is further reinforced by the subsequent adoption of this location in Rev. 2.01 of the UDF Specification on March 15, 2000.

As such, after reviewing the arguments presented in the Amendment of July 10, 2003 and the evidence of record, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claim 142 in view of Yasui and Mine as it is respectfully submitted that the combination does not disclose or suggest, among other features, "recording and/or reproducing the real time recording and/or reproduction information in a file type field in an (ICB) TAG field of a file entry for a universal disk format (UDF) system" as recited in claim 142.

**STATUS OF CLAIMS NOT REJECTED:**

On page 8 of the Office Action, the Examiner objects to claims 57, 104, and 135 as

depending from rejected base claims, and allows claims. Claims 48-55, 57, 59, 104-112, 127-133, and 135 have been cancelled without prejudice or disclaimer.

**PATENTABILITY OF NEW CLAIMS:**

Claims 149-154 are deemed patentable due at least to their depending from claim 142.

Claim 155 is deemed patentable due at least to the prior art not disclosing or suggesting "recording and/or reproducing real time files requiring real time recording and/or reproduction on a recording medium according to real time recording and/or reproduction Information for ensuring real time reproduction, wherein the real time recording and/or reproduction information includes a size of minimum contiguous storage blocks" as recited in claim 155 and as similarly noted by the Examiner with regard to cancelled claim 48.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

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If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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